

### DETAILED ACTION

1. Claims 1-4, 7-9, 11-14, 17-21, 24-25 & 29-35 are pending in the application.
2. Claims 5-6, 10, 15-16, 22-23 & 26-28 have been canceled.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark C. Van Ness on March 25, 2008.

4. In order to avoid Art rejection, the claims have been amended as follows:
  - Claim 1, line 2-3 **replace** "being modulated over a plurality of amplitude levels" **with**  
"being amplitude modulated over a plurality of amplitude levels"
  - Claim 1, line 6 **replace** "and over a plurality of time slots" **with**  
"and phase modulated over a plurality of time slots"
  - Claim 2, line 1 **replace** "orthogonal" **with**  
"orthogonal, the signal being modulated in amplitude and phase wherein the amplitude modulation and phase modulation being mutually independent".
  - Claim 9, line 2 **replace** "a first modulation mode" **with**

"a first modulation mode, wherein the first modulation mode is amplitude modulation over a plurality of amplitude levels,".

- Claim 9, line 2-3 **replace** "a second modulation mode" **with**  
"a second modulation mode, wherein the second modulation mode is phase modulation over a plurality of time slots,".
- Claim 17, line 2-3 **replace** "the modulated signal, the modulated signal being modulated over a plurality of amplitude levels" **with**  
"the modulated signal being amplitude modulated over a plurality of amplitude levels".
- Claim 17, line 6 **replace** "and over a plurality of phase slots" **with**  
"and phase modulated over a plurality of phase slots".
- Claim 18, line 1 **replace** "orthogonal" **with**  
"orthogonal, the signal being modulated in amplitude and phase wherein the amplitude modulation and phase modulation being mutually independent".
- Claim 24, line 5 **replace** "being modulated over amplitude levels" **with**  
"being amplitude modulated over a plurality of amplitude levels".
- Claim 24, line 8 **replace** "and over phase slots" **with**  
"and phase modulated over phase slots".
- Claim 29, line 5 **replace** "a first modulation mode" **with**  
"a first modulation mode, wherein the first modulation mode is amplitude modulation".

- Claim 29, line 2-3 **replace** "a second modulation mode" with  
"a second modulation mode, wherein the second modulation mode is  
phase modulation".
- Claim 29, line 16 **replace** "modulation mode" with  
"modulation mode; and returning to the first position in the first modulation  
mode".
- Claim 33, line 3-4 **replace** "the modulated signal" with  
"the modulated signal, being amplitude and phase modulated".
- Claim 33, line 12 **replace** "second time slot, and" with  
"second time slot; returning to the first amplitude level; and".
- Claim 34, line 1 **replace** "orthogonal" with  
"orthogonal, the signal being modulated in amplitude and phase wherein  
the amplitude modulation and phase modulation being mutually  
independent".

***Allowable Subject Matter***

5. Claims 1-4, 7-9, 11-14, 17-21, 24-25 & 29-35 and re-numbered as Claims 1-25 respectively are allowable over the prior art of record because the cited references do not contain the specified limitation of a method comprising: producing a modulated signal, the modulated signal being amplitude modulated, including at least a first amplitude level, a second amplitude level and a third amplitude level, wherein the second amplitude is between the first amplitude level and third amplitude level, and phase modulated, including at least a first

time slot, a second time slot that is after the first time slot, and a third time slot that is after the second time slot, the modulated signal: transitioning from the first amplitude level to the second amplitude level in the first time slot, remaining at the second amplitude level in the second time slot, and transitioning from the second amplitude level to the third amplitude level in the third time slot, and returning to the first amplitude level; and transferring the modulated signal.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUDHANSHU C. PATHAK whose telephone number is (571)272-5509. The examiner can normally be reached on 9am-5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on 571-272-3042.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

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/CHIEH M FAN/

Supervisory Patent Examiner, Art Unit 2611